## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

BEAZER HOMES HOLDING CORP., ) Case No.: 2:09-cv-02089-GMN-LRL

Plaintiff, ) ORDER

VS. )

CW CAPITAL FUND ONE, LLC, et al., )

Defendants. )

This matter is before the Court on Plaintiff's Motion (ECF No. 39) to set aside the February 19, 2010 entry of default against Defendant CW Capital Fund One, LLC. For the reasons that follow, the Court GRANTS Plaintiff's Motion.

## **DISCUSSION**

Pursuant to Federal Rule of Civil Procedure 55(c), a court may set aside a default for good cause. There is certainly good cause here.

In its Motion, Plaintiff admits that, on November 13, 2009, Plaintiff erroneously served CW Capital Fund One, *Inc.* with the Summons and Complaint in this matter, though the actual defendant is CW Capital Fund One, *LLC*. Thus, when Plaintiff moved for the entry of default against CW Capital Fund One, LLC on February 12, 2010, it moved for a default against an entity that had not yet been served. Because the February 19, 2010 default was entered even though CW Capital Fund One, LLC had not yet been served with process, the Court finds that there is good cause to set aside that entry of default.

## **CONCLUSION**

IT IS HEREBY ORDERED that Plaintiff's Motion (ECF No. 39) is GRANTED.

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The February 19, 2010 entry of default (ECF No. 21) as to CW Capital Fund One, LLC is VACATED. DATED this 20th day of September, 2010. Gloria M. Navarro United States District Judge